

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

James C. Whaley, #1001117,)
a/k/a James C. Whaley, #357132,)
Petitioner,) C.A. No. 4:23-2473-HMH-TER
vs.)
Nick Gallam,)
Respondent.)

OPINION & ORDER

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III made in accordance with 28 U.S.C. § 636(b)(1) and District of South Carolina Local Civil Rule 73.02.¹ Petitioner James C. Whaley, (“Whaley”), a state pretrial detainee awaiting adjudication of his civil commitment proceedings, filed this pro se action seeking habeas corpus relief pursuant to 28 U.S.C. § 2241, alleging that he was denied due process in relation to two disciplinary proceedings and the loss of his canteen privileges. In his Report and Recommendation filed on September 27, 2023, Magistrate Judge Rogers recommends denying Whaley’s motion for an injunction and a temporary restraining order. (R&R, generally, ECF No. 33.)

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Whaley filed timely objections to the Report and Recommendation.² (Objs., generally, ECF No. 38.) Objections to a report and recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to a magistrate judge's report and recommendation, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that Whaley's objections are non-specific, unrelated to the dispositive portions of the magistrate judge's Report and Recommendation, or merely restate his claims. Accordingly, Whaley's objections are without merit. After a thorough review of the magistrate judge's Report and the record in this case, the court adopts Magistrate Judge Rogers' Report and Recommendation and incorporates it herein.

It is therefore

ORDERED that Whaley's motion for an injunction and a temporary restraining order, docket number 21, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
October 10, 2023

² See Houston v. Lack, 487 U.S. 266 (1988).